

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEFFREY LOWE,

LAUREN LOWE,

GREATER WYNNEWOOD EXOTIC ANIMAL
PARK, LLC, and

TIGER KING, LLC,

Defendants.

Case No. 6:20-cv-00423-JFH

**STIPULATION ON MOTION FOR
PRELIMINARY INJUNCTION**

The United States of America and Defendants Jeffrey Lowe, Lauren Lowe, Greater Wynnewood Exotic Animal Park, and Tiger King, LLC (collectively, “Defendants”) jointly request that the Court approve this stipulation. In support of this stipulation, the Parties hereby state and stipulate as follows:

WHEREAS, on November 19, 2020, the United States filed a complaint against Defendants for violations of the Animal Welfare Act (“AWA”), 7 U.S.C. §§ 2134, 2159, and the Endangered Species Act (“ESA”), 16 U.S.C. § 1538(a)(1), (g), Dkt. 2;

WHEREAS, on November 25, 2020, the United States filed a motion for preliminary injunction, Dkt. 9 & 10;

WHEREAS, the parties, by and through their authorized representatives, have reached an agreement that they consider to be a fair, adequate, and equitable resolution of the issues raised in the United States’ motion for preliminary injunction;

NOW, THEREFORE, the parties hereby stipulate and agree as follows:

1. Defendants will provide an inventory to the United States of all animals covered by the AWA, excluding common dogs, cats, guinea pigs, hamsters, or rabbits in Defendants’ possession, custody, or control as of November 25, 2020. The inventory will additionally list any animal covered by the ESA. The inventory shall provide the same information typically provided

to the U.S. Department of Agriculture (“USDA”) on inventories, including: scientific species name and common name; animal name; location within facility; parents; birth date/acquisition date; sex and owner. Defendants will provide this list before the initial inspection described below, if possible, but not later than during the December 15, 2020 inspection.

2. Pending resolution of the merits of the United States’ claims in the Complaint, Defendants will not acquire or dispose of any animal covered by the ESA or any animal covered by the AWA, excluding common dogs, cats, hamsters, or rabbits, absent leave of court sought by duly-noticed motion. Prior to seeking leave of court to acquire or dispose of any animal covered by this agreement, Defendants will meet and confer with the United States pursuant to the Local Rules of the Eastern District of Oklahoma.

3. The USDA’s Animal and Plant Health Inspection Services (“APHIS”) will be permitted to conduct routine inspections of the Thackerville facility with 2-3 APHIS inspectors. Government counsel may attend if Defendants’ counsel is present. Local law enforcement also will attend. The first inspection will occur on December 15, 2020.

- a. The United States agrees that Defendants will not pay the cost of inspections.
 - b. The inspection report will be completed and provided to counsel within seven days of the inspection.
 - c. Based on Defendants’ representation that no members of the public are visiting the facility and viewing the animals, the United States agrees that the inspectors may note for the record – but will not cite – Defendants under 9 C.F.R. sec. 2.131(c) for violation of that regulation found during the inspection. The USDA reserves the right to cite Defendants for violations of that provision if members of the public view the animals in-person at the facility.
4. Defendants consent to APHIS conducting further inspections of the Thackerville facility up to every three weeks thereafter, at USDA’s discretion. While APHIS will not conduct more than 1 inspection every 21 days, APHIS will not provide Defendants prior advanced notice of the date and time of future inspections, as is customary for such inspections.
5. Upon approval of the stipulation by the Court, the United States will move to withdraw its present motion for preliminary injunction without prejudice.

6. In the event that any party fails to comply with the terms set forth herein, the parties shall first meet and confer pursuant to the Local Rules of the Eastern District of Oklahoma before seeking relief from the Court.
7. By entering into this stipulation and agreement to address the issues presented in the United States' motion for preliminary injunction, neither Plaintiff nor Defendants are conceding or waiving any arguments, positions, rights, or defenses. Both parties reserve the right to seek further, or modify, this relief as further information develops.

DATED: December 14, 2020

BRIAN J. KUESTER
United States Attorney
SUSAN BRANDON, Civil Chief
United States Attorney's Office
Eastern District of Oklahoma
520 Denison Ave
Muskegee OK 74401

Respectfully Submitted,

JONATHAN D. BRIGHTBILL
Principal Deputy Assistant Attorney General
Environment and Natural Resources Division

/s/ Mary Hollingsworth
MARY HOLLINGSWORTH
Senior Trial Attorney
Arizona Bar #27080
BRIENA L. STRIPPOLI
Trial Attorney
ROBERT M. NORWAY
Trial Attorney
United States Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611
Mary.hollingsworth@usdoj.gov | 202-598-1043
Briena.strippoli@usdoj.gov | 202-598-0412
Robert.m.norway@usdoj.gov | 202-307-1145
Fax: 202-305-0275

Attorneys for the United States of America

/s/ Daniel J. Card (authorized on 12/14/2020)
DANIEL J. CARD, OBA 30034
512 NW 12th Street
Oklahoma City, OK 73103
Telephone: 580-465-4249
Fax: 405-232-6358
dan@cardlawok.com

Attorney for Defendants